FARAD CONTINUATION SHEET
APPELLATE SIDE
Civil Writ Petition No.5361 of 2001

Office Notes, Office Memoranda Court's or Judge's orders
of Coram, appearance, Court's
orders or directions and
Registrar's orders

Mr.Kishore Patil i/b. Mr.P.N.Joshi for petitioner.

CORAM: B.H.MARLAPALLE,J.
June 29, 2007.

P.C.

. RAE Suit No.385 of 1979 filed before the Small Causes Court by the landlord seeking decree for eviction was dismissed as per the judgment and decree dated 30/7/1997 and the said decree was challenged in Appeal No.400 of 1998 before the Division Bench of Small Causes Court which allowed the said appeal by its judgment and order dated 27/7/2001. The suit was decreed in terms of prayer clause (a) and the defendant was directed to hand over vacant and peaceful possession of the suit premises to the plaintiffs within three months from the date of the order. The present petitioner is the defendant who has suffered the decree of eviction.

. The petitioner has alternative statutory remedy of filing a revision application under Section 115 of CPC and when such a statutory remedy is available, writ petition need not be entertained as has been held by me in Writ Petition No.4138 of 2006 decided on 24/8/2006.

. Hence the petition is disposed as withdrawn with liberty to file a civil revision application. Should there be an issue of delay in filing such a revision application, the period of pendency of this petition may be taken into consideration for condonation of delay, if any, provided the revision is filed within a period of two weeks from today. Annexures to the petition memo be returned, on application.

(B.H.MARLAPALLE,J.)